

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BLUME ENGINEERING, LLC,

Plaintiff,

Case No. 1:09-cv-522

v.

HONORABLE PAUL L. MALONEY

OURPLANE CORP., et al.,

Defendants.

/

ORDER ADMINISTRATIVELY CLOSING CASE

The court has been informed that OurPlane Corp., one of the parties to this action, filed a Voluntary Petition in Bankruptcy. In accordance with 11 U.S.C. § 362, this civil action is automatically stayed until the Bankruptcy proceedings in question are terminated. 11 U.S.C. § 362(c)

The automatic stay provision of the Bankruptcy Reform Act of 1978, 11 U.S.C. § 101, et seq. halts the commencement or continuation of litigation against the debtor by adverse parties. Patton v. Bearden, 8 F.3d 343, 348-49 (6th Cir. 1993). The stay does not divest this court of jurisdiction to issue necessary orders in civil actions which are stayed in Bankruptcy. Donald F. Duncan Inc. v. Royal Tops Mfg. Co., 381 F.2d 879, 882 (7th Cir. 1967), cert. denied, 390 U.S. 905 (1968); see NLRB v. Edward Cooper Painting, Inc., 804 F.2d 934, 939 (6th Cir. 1986); Commodity Futures Trading Comm'n v. Co Petro Mktg. Group, Inc., 700 F.2d 1279, 1283 (9th Cir. 1983).

Rather than have this action remain on the court's docket indefinitely, a result which is contrary to the interest of the court, the debtor, and the public, the court has decided to administratively close this matter pending termination of the related bankruptcy proceedings.

IT IS HEREBY ORDERED that in the interest of the effective administration of the court's business, without prejudice to either party to this action, and in keeping with the intent and spirit of the automatic stay provision of the Bankruptcy Reform Act, 11 U.S.C. § 362, this matter is **CLOSED**. This closing is for administrative purposes only and does not constitute a decision on the merits. Upon termination of the aforementioned bankruptcy proceedings, or the lifting of the automatic stay with reference to the instant proceeding, the court will allow either party to move to reopen this action. Any such motion need only refer to this order and it will be granted.

IT IS FURTHER ORDERED that the plaintiff's motion for summary judgment or in the alternative, partial summary judgment against defendants (Dkt. #25) is **DENIED without prejudice**.

Dated: October 4, 2010

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge